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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,770	04/16/2004	Michael Grecco	GRE 100	8733
44702 7590 04/18/2008 OSTRAGER CHONG FLAHERTY & BROITMAN PC 570 LEXINGTON AVENUE FLOOR 17 NEW YORK, NY 10022-6894				
EXAMINER				
DAIBOUR, HENRY				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,770

Applicant(s)

GRECCO, MICHAEL

Examiner

HENRY DAHBOUR

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 7-11 is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 8/11/04

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Chuan (U.S.5666611) and Lee et al (U.S.6829065).

The admitted prior art discloses a film holder comprising a frame having an upper surface, an interior side and a thickness, the upper surface has four side edges such that a first two opposing side edges each have an inner, a central and an outermost ridge, the three ridges form two channels on either side of the central ridge, and a ledge outside the outermost ridge, and a second two opposing side edges each have tracks comprising a centrally located recessed groove that runs the length of the second two opposing side edges (see Fig.1, also see "Fig.1...prior art" in line 20 in page 3 of Applicant's specification).

The admitted prior art does not disclose a central support glass plate which is 1/16 of an inch thick.

Chuan discloses this feature (see 34 in Figures 5 & 6).

The admitted prior art and Chuan are analogous art because they are from the same field of endeavor, that is the scanning art.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Chuan with the admitted prior art.

The suggestion/motivation for doing so is because Chuan teaches that it would allow a user to use the device with a transparency (see "transparency" in line 61 in col.2, also see 8 in Figures 5 & 6).

Furthermore, the admitted prior art does not disclose that the central support glass plate is adhered, via sealant, on top of a seat formed to the interior side of the frame such that the seat extends toward a center of the holder, and having a thickness substantially less than the frame.

Lee discloses this feature (see Figure 1A).

The admitted prior art and Lee are analogous art because they are from the same field of endeavor, that is the scanning art.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Lee with the admitted prior art.

The suggestion/motivation for doing so would have been to provide improved support for the glass plate.

Thus, it would have been obvious to combine the admitted prior art with Chuan & Lee to obtain the invention specified in claim(s) 1-3, 6.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Chuan (U.S.5666611), Lee et al (U.S.6829065), and Watanabe et al (U.S.6208438).

The admitted prior art does not disclose two central lines traversing the central support glass plate in parallel.

Watanabe discloses this feature (see "lines...on the...glass" in lines 43-44 in col.1).

The admitted prior art and Watanabe are analogous art because they are from the same field of endeavor, that is the scanning art.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Watanabe with the admitted prior art.

The suggestion/motivation for doing so is because Watanabe teaches that it is "for confirming the position of originals" (see line 48 in column 1).

Thus, it would have been obvious to combine the admitted prior art with Watanabe to obtain the invention specified in claim(s) 4.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Chuan (U.S.5666611), Lee et al (U.S.6829065), and Liu et al (U.S.7031028).

The admitted prior art does not disclose the central support glass plate having masked portions.

Liu discloses this feature (see Figures 1A, 4A, 4B).

The admitted prior art and Liu are analogous art because they are from the same field of endeavor, that is the scanning art.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Liu with the admitted prior art.

The suggestion/motivation for doing so would have been to provide positioning means for originals.

Therefore, it would have been obvious to combine the admitted prior art with Liu to obtain the invention specified in claim(s) 5.

Allowable Subject Matter

5. Claims 7-11 are allowed.

The following is an examiner's statement of reasons for allowance. The prior art, either singularly or in combination, does not teach or suggest a method comprising:

"...preparing and cleaning the film holder, adding drops of mounting fluid on the central support, placing a film on top of the mounting fluid, adding drops of the mounting fluid on top of the film, placing a strip of optical acetate on the film, removing any air bubbles from the film, and placing the film holder in the 4000-dpi optical-resolution scanner".

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hu et al ('110), Hu et al ('639), Han et al, Shilling, Dowdy et al, Kurosawa and Kunishige are cited to show scanners and film holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY DAHBOUR whose telephone number is (571)272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HD

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625